

or dismiss a notice of appeal, even if it is in fact untimely, and Defendants cite no authority to the contrary. *Patel v. Wooten*, 264 F. App'x. 755, 758 (10th Cir. 2008) ("The district court did not have the authority to dismiss the notice of appeal."); *Willis v. Hunt*, 77 F.3d 472 (4th Cir. 1996) ("The district court did not have jurisdiction to strike the untimely notice of appeal."); *Dickerson v. McClellan*, 37 F.3d 251, 252 (6th Cir. 1994) ("[W]e find no authority that would permit a district court to dismiss a notice of appeal from [an order certifying an interlocutory appeal]. In fact, the district courts have a ministerial duty to forward to the proper court of appeals any notice of appeal which is filed."); *Sperow v. Melvin*, 153 F.3d 780, 781 (7th Cir. 1998) ("A district court cannot dismiss an appeal"). While making no determinations on the merits of Defendant's motion, nor any findings with respect to the timing of Plaintiffs' notice of appeal, the Court hereby DENIES Defendants' Motion to Strike Plaintiffs' Notice of Appeal and to Dismiss Appeal (Docket no. 175) as beyond its jurisdiction.

It is so ORDERED.

SIGNED this 18th day of October, 2016.

A handwritten signature in black ink, appearing to read 'Xavier Rodriguez', is written over a horizontal line.

XAVIER RODRIGUEZ
UNITED STATES DISTRICT JUDGE